



PLANNING COMMISSION MEETING STAFF REPORT FEBRUARY 9, 2006

Project:	DUMBARTON QUARRY- (PLN2006-00159)
Proposal:	To consider an annual review for conformance of Use Permit, U-66-53 to operate a quarry and asphalt production plant.
Recommendation:	Find Dumbarton Quarry and the asphalt concrete plant operation to be in compliance with conditions of approval.
Location:	9600 Quarry Road in the Northern Plains Planning Area. APN 537-0851-002-02 (See aerial photo next page)
Area:	Approximately 91 acres
People:	Dumbarton Quarry Associates, Applicant Bob McCarrick, Agent of Applicant Greg Zitney, Surface Mining and Reclamation Act Consultant to City Dumbarton Quarry Associates, Owner Scott Ruhland, Staff Planner (510) 494-4453, sruhland@ci.fremont.ca.us
Environmental Review:	EIR 76-6 and Addendum to EIR 76-6B have analyzed the impacts of the operation of the quarry, and also analyzed the future re-use of the quarry by East Bay Regional Park District (EBRPD). No further environmental review is needed for this use permit review.
General Plan:	Existing: Institutional Open Space
Zoning:	Existing: P-81-12 (Q), Planned District and Quarry Combining District

EXECUTIVE SUMMARY:

The operation of the Dumbarton Quarry is subject to periodic review for conformance to Conditional Use Permit U-66-53, which allows operation of a quarry and asphalt production plant on 91 acres of land. The last review of the use permit occurred in February 2004. The current review was due in January 2006, with one final review due in January 2007. The quarry is required to cease operations in July 2007 and will then deed the land to East Bay Regional Park District (EBRPD) for inclusion into Coyote Hills Regional Park. Also required at this time is the review and consideration of the amount of the faithful performance bond, and to establish any other reasonable conditions deemed necessary in the public interest.



Figure 1: Aerial Map (2002) of Project Site and Surrounding Area.



[1 inch = 375 feet]

SURROUNDING LAND USES: North: Coyote Hills Regional Park
South: Route 84 and Don Edwards SF Bay National Wildlife Refuge
East: Vacant Land
West: San Francisco Bay

BACKGROUND AND PREVIOUS ACTIONS:

The project site consists of approximately 91 acres owned by Dumbarton Quarry Associates located at 9600 Quarry Road, adjacent to Coyote Hills Regional Park to the north and the Dumbarton Bridge toll plaza to the south. The site is operated as a crushed rock aggregate quarry and includes an asphalt concrete batch plant. The quarry operation has been active at the site for approximately 37 years. A conditional use permit amendment and rezoning was approved on July 22, 1977 by the City Council for expansion of the operations, construction of the asphalt concrete plant, and a preliminary rehabilitation plan (Z-76-11, U-66-53 Amendment and EIR-76-6).

On September 22, 1981, the City Council approved Planned District, P-81-12, rezoning the site from Agriculture, Hillside Combining, Quarry Combining A(H-I)(Q) and General Industrial, Hillside Combining, Quarry Combining G-I(H-I)(Q) to Planned District, Quarry Combining P(Q) to accommodate the quarry and industrial uses within the existing Institutional Open Space General Plan designation. On December 11, 1986, the Planning Commission approved a minor amendment to the use permit adding a 200 ton insulated silo adjacent to three existing silos used in the asphalt concrete operation. On August 27, 1987 and August 26, 1993, the Commission reviewed the adequacy of the conditions and compliance and found the quarry operations in compliance with the conditions of approval.

On March 25, 1997, the City Council approved a time extension of ten years (to July 1, 2007) for quarrying operations and additional excavation of the quarry area to a depth of approximately 300 feet below Mean Sea Level (MSL). It also included final rehabilitation of the facility to allow future reuse of the site by the East Bay Regional Park District including improvement of the site in accordance with the plans developed by the District during the process of rehabilitation of the quarry and, deeding of the property to the District for inclusion in Coyote Hills Regional Park. A Conditional Use Permit Amendment, U-66-53E, and a Major Planned District Amendment, P-81-12A, were approved for the time extension and the final quarry rehabilitation plan with preliminary grading.

The findings and conditions of approval approved for Use Permit U-66-53E and the final approved quarry grading and rehabilitation plan approved by City Council on March 25, 1997 are attached as informational exhibits.

PROJECT DESCRIPTION & ANALYSIS

Dumbarton Quarry was inspected on January 13, 2006 in accordance with permit conditions and requirements. City representatives in attendance included Scott Ruhland (Associate Planner), Myles Herman (Engineer), Kathleen Chu (Senior Civil Engineer) and Greg Zitney (Surface Mining and Reclamation Act (SMARA) consultant to the City). Also attending was Mike Anderson of East Bay Regional Park District.

As a result of the inspection and analyses of concerns from prior inspections, it has been determined that Dumbarton Quarry is in compliance with its approved reclamation plan and use permit conditions. However, in regards to slope stability, two areas of follow-up are needed.

Slope Stability

A vertical slope on the western side of the quarry pit does not have benches, apparently because of geologic conditions. The quarry operator, Dumbarton Quarry Associates (DQA), indicated that they would provide additional geotechnical analysis to determine slope stability/safety, and develop plans for final slope topography for purposes of final reclamation. SMARA requires such analyses if reclamation standards for cut slopes cannot be achieved. The City has asked DQA to submit this information within approximately 60 days from the inspection date, or around mid-March of 2006.

A recent hillside slope failure was observed in the northern portion of the quarry property. This slide apparently occurred as a result of the heavy rains that were experienced around December 31, 2005. The slide is not located in an area that either has been or currently is being quarried, and appears to be a natural occurrence unrelated to mining activities. Mud and silt from the slide area did not appear to be reaching offsite locations. In discussions with the operator during the inspection, the operator agreed to have prepared a geotechnical engineering analysis and grading plan to address stabilization and ultimate final topography of the slide area. Information and an updated reclamation map showing final topography are expected to be submitted to the City within approximately 60 days of the inspection date, or about mid-March of 2006.

The result of this slope failure and slide in the northern portion will require additional grading work and will require an amendment to a previously approved concept plan for future use of the quarry by EBRPD. After an updated reclamation map and final grading and topography plans have been submitted, reviewed and approved by the City Engineer, the Concept Plan will return to the Planning Commission for review and approval. Please note the conditions of approval for the quarry use permit allow the City Engineer to review and approve the final grading plan for the quarry.

Erosion Control

Erosion control measures are being implemented satisfactorily, although one area appeared to need some minor maintenance work on a re-vegetated slope. The quarry operator agreed to implement the recommended minor repair work within approximately two weeks of the inspection date. All grade level drains had adequate controls in place to prevent sedimentation of offsite drainage. Re-vegetation generally appears to be satisfactory. Planted shrubs along the eastern edge of the property which, in past inspections had been observed to be either dead or in a state of low vigor, have shown significant improvement. This is regarded as a maintenance issue and not a failure to comply with permit conditions or reclamation plan specifications. Dust control measures on equipment are in place and operating well, and roads appeared to be wetted effectively to prevent significant dust.

In general, the quarry operation appeared to be orderly and well maintained. Another inspection will be conducted in late 2006 to comply with SMARA requirements. The quarry operator has also provided the City with an updated Storm Water Pollution Prevention Plan (SWPPP) for the quarry operation.

Financial Assurances

With respect to financial assurances, Dumbarton Quarry Associates currently maintains a Surety Bond in the amount of \$544,000 (approved in 1999) payable to the City of Fremont and the Department of Conservation. SMARA provides for annual adjustments to financial assurances to account for factors such as reclamation work completed, inflation, or repair work needed for any violations. Considering the need to resolve the question regarding the number of contour benches on the south wall of the quarry pit, staff has determined that the current financial assurance amount is adequate and appropriate at this

time, and no adjustments are required. The amount of the bond would be next considered for adjustment in January 2007 as part of the annual SMARA inspection.

Environmental Review:

EIR 76-6, adopted in 1976, and Addendum to EIR 76-6B, adopted in 1997, have analyzed the impacts of the operation of the quarry, and also analyzed the future re-use of the quarry by EBRPD. Mitigation measures have been previously included in the Conditions of Approval for the Use Permit to reduce any impact to a level of non-significance. No further environmental review is required.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 12 notices were mailed to owners and occupants of property within 1,000 feet of the site. The notices to owners and occupants were mailed on January 26, 2006. A Public Hearing Notice was published by The Argus on January 26, 2006.

In addition, 5 public hearing notices were mailed as a courtesy to interested parties.

ENCLOSURES:

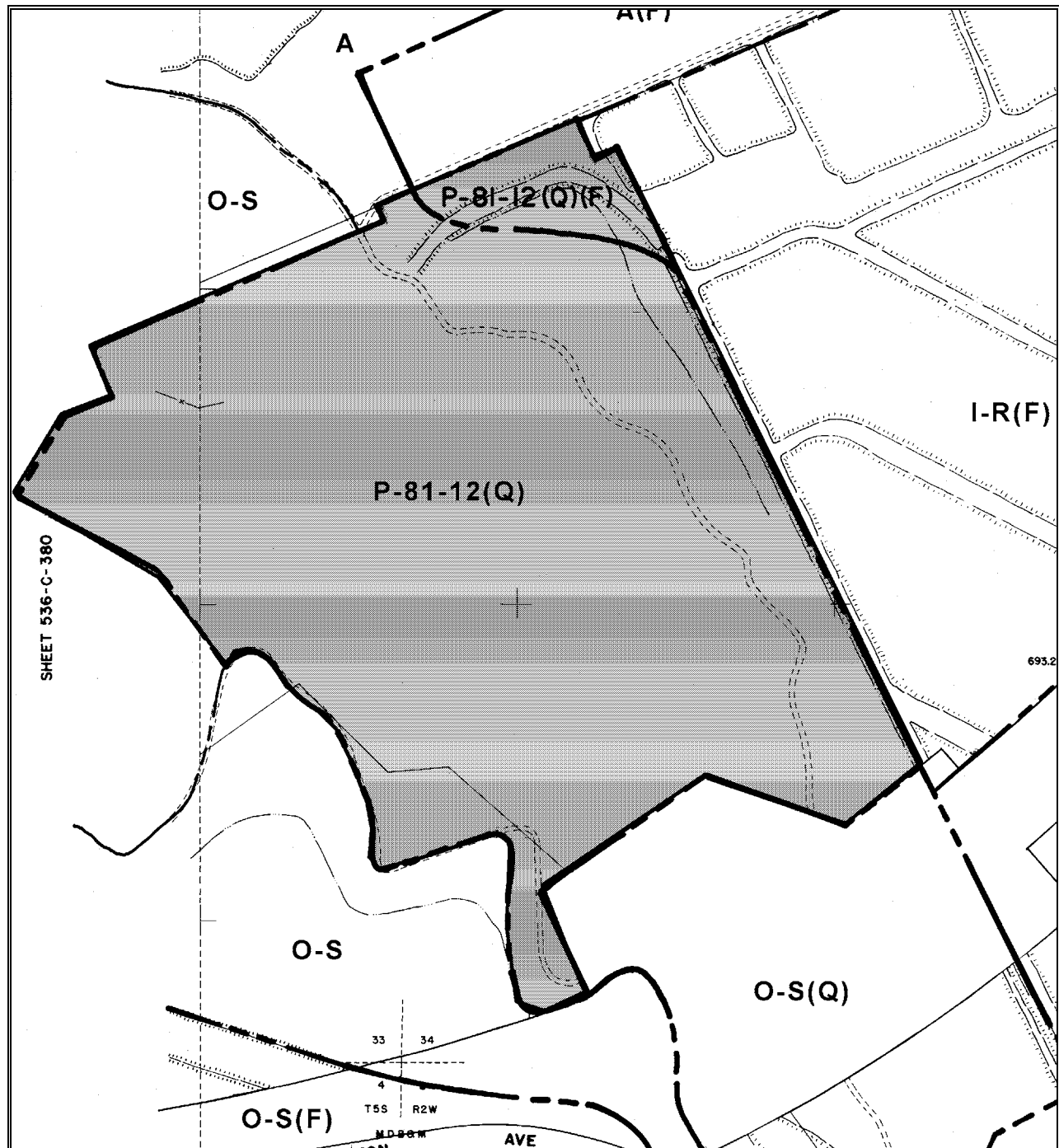
Informational Items:

1. Conditions of Approval for Use Permit, U-66-53E
2. Final Quarry Reclamation Plan

RECOMMENDATION:

1. Hold public hearing.
2. Find Dumbarton Quarry and the asphalt concrete plant to be in compliance with conditions of approval.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

